

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

EDWARD REED

PLAINTIFF

VS.

CIVIL ACTION NO. 5:14-cv-4(DCB)(MTP)

DR. HAROLD WAYNE BARNETT, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's motion for partial summary judgment as to the issue of liability (**docket entry 8**), the individual defendants' motion to dismiss (**docket entry 10**), and the plaintiff's motion for leave to file a first amended complaint (**docket entry 15**). The plaintiff seeks to amend his complaint to add a claim under the Mississippi Tort Claims Act, amend the ad damnum clause, and add additional language to his § 1983 claim. He also attaches a copy of his proposed First Amended Complaint. The defendants do not oppose the amendment. The Court also notes that Magistrate Judge Parker has deferred the entry of a case management order until the qualified immunity issues have been resolved. The Court shall therefore grant the plaintiff's motion to amend; and deny both the plaintiff's motion for partial summary judgment, and the individual defendants' motion to dismiss, without prejudice. In addition, the parties will be allowed time to file the amended complaint, amended answers, and amended motions. Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion for leave to

file a first amended complaint (**docket entry 15**) is GRANTED, and the plaintiff is granted ten (10) days from the date of entry of this Order to file his amended complaint;

FURTHER ORDERED that the plaintiff's motion for partial summary judgment as to the issue of liability (**docket entry 8**) is DENIED WITHOUT PREJUDICE, and the plaintiff is granted twenty (10) days from the date of entry of this Order to file an amended motion for partial summary judgment;

FURTHER ORDERED that all defendants are granted twenty (20) days, from the date the amended complaint is filed, to file their amended answers;

FURTHER ORDERED that the individual defendants' motion to dismiss (**docket entry 10**) is DENIED WITHOUT PREJUDICE, and the individual defendants are granted twenty (20) days, from the date the amended complaint is filed, to file an amended motion to dismiss.

SO ORDERED, this the 16th day of June, 2014.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE